

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:

MALLINCKRODT PLC, *et al.*,

Debtor.

Chapter 11

Bankruptcy Case No. 20-12522 (JTD)

KENNETH GREATHOUSE, *et al.*,

Appellants,

v.

MALLINCKRODT PLC.

Appellee.

C.A. No. 22-333-TLA

Bankr. BAP No. 22-24

RECOMMENDATION

At Wilmington this **18th** day of **April , 2022**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel,¹ to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a

¹ Written information was provided by counsel for the parties which is not made part of the court record because it relates to mediation.

productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

This Appeal is from a March 2, 2022 Order of Judge John T. Dorsey of the Bankruptcy Court, which confirmed the Fourth Amended Joint Plan of Reorganization of Mallinckrodt plc and its Debtor Affiliates under Chapter 11. This Appeal was filed in this Court on March 16, 2022. See D. I. 1. The Honorable Thomas L. Ambro, a Third Circuit Judge, was designated and assigned to this matter on March 29, 2022. See D.I. 4. The designation of record was filed on March 30, 2022. See D.I. 5.

The Parties have not previously and are not presently involved in mediation or any other ADR process. Because of the nature of the relief granted by the Bankruptcy Court and the issues on this Appeal, Appellees maintain that mediation would not be a beneficial exercise. Appellants do not object to Appellees' position. Thus, the Parties request that this matter be removed from the mandatory mediation requirement.

Further, the Parties propose the following briefing schedule:

Appellants' Opening Brief	July 1, 2022
Appellees' Responsive Brief	August 1, 2022
Appellants' Reply Brief	August 15, 2022

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No objections are anticipated to this Recommendation pursuant to 28 U.S.C.

§ 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1 since it is consistent with the parties' request.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge